

Order

Michigan Supreme Court
Lansing, Michigan

March 26, 2021

Bridget M. McCormack,
Chief Justice

161911

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh
Elizabeth M. Welch,
Justices

GREGORY WELLS, Personal Representative of
the ESTATE OF MICHAEL WELLS,
Plaintiff-Appellant,

v

SC: 161911
COA: 348135
Macomb CC: 2017-003739-NI

STATE FARM FIRE & CASUALTY COMPANY,
Defendant-Appellee,

and

JOSEPH NARRA,
Defendant.

On order of the Court, the application for leave to appeal the July 16, 2020 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1).

The appellant shall file a supplemental brief addressing: (1) whether the appellant's underlying complaint in its action against the insureds is a "written instrument" under MCR 2.113(C)(1) (formerly MCR 2.113(F)(1)), a "pertinent part" of a written instrument under MCR 2.113(C)(1), or is otherwise part of "the pleadings" in this case such that the lower courts could properly consider it in the MCR 2.116(C)(8) analysis; (2) whether the Court of Appeals correctly concluded that the appellant's pleadings showed the insureds knowingly provided alcohol to minors and that this knowing act was a proximate cause of the appellant's damages; (3) whether pleading proximate causation is the equivalent of pleading that an act "created a direct risk of harm from which the consequences should reasonably have been expected by the insured," *Allstate Ins Co v McCarn*, 466 Mich 277, 283 (2002); and (4) whether the Court of Appeals erred in affirming the Macomb Circuit Court's grant of summary disposition to appellee State Farm under MCR 2.116(C)(8). See *Frankenmuth Mut Ins Co v Masters*, 460 Mich 105 (1999); *Nabozny v Burkhardt*, 461 Mich 471 (2000); *Allstate, supra*. The appellant's brief shall be filed by August 30, 2021, with no extensions except upon a showing of good cause. In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The appellee shall file a supplemental brief within 21 days of being served with the appellant's brief. A

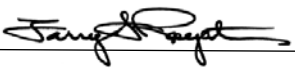
reply, if any, must be filed by the appellant within 14 days of being served with the appellee's brief. The parties should not submit mere restatements of their application papers.



a0323

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 26, 2021


Clerk